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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,234	05/28/2002	Manfred Kopl	2400-422A	7673

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WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER

BOMBERG, KENNETH

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 01/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,234

Applicant(s)

KOPL ET AL.

Examiner

Kenneth Bomberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The proposed drawing correction to figure 3, submitted with amendment D, paper number 13 is approved. The drawing objection of paper number 12 is withdrawn in view of applicant's proposed drawing correction and associated remarks.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claims 11 and 19 both contain the requirements "wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles" and "wherein no additional valves are needed to control flow of said fuel between said liquid measuring device and said two or more nozzles" which are not supported by the specification as originally filed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over NANAJI (5,630,528) in view of KOPL et al. (5,447,062).

In Fig. 3, NANAJI shows a device for metered transfer of two or more liquids from respective supply tanks (1,2,3) by respective pumps (21,22,23) to respective liquid dispensers (61,62,63), a common liquid measuring device (90), two or more upstream valves (101,102, 103) and two or more downstream valves (111,112, 113) substantially according to claim 1 but does not show the meter being in the form of a screw spindle arrangement according to the claim.

NANAJI further explicitly states:

"The embodiment of FIG. 3 advantageously could use a electronically-calibrated or self-calibrating inferential meter, or any other type of meter which is of small size and weight and which does not require manual calibration."

KOPL et al. teaches to provide meter being in the form of a screw spindle arrangement in order to provide a simple meter construction which is less susceptible to faults.

It would have been obvious to one having ordinary skill in the art to have used the meter in the form of a screw spindle arrangement of KOPL et al. in the device for metered transfer of

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several liquids of NANAJI in order to provide a simple meter construction which is less susceptible to faults as taught by KOPL et al.

With respect to the limitation “wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles”, NANAJI, the primary reference is silent with respect to this limitation. However, as NANAJI fails to disclose the necessity of additional valves, it would have been obvious to one having ordinary skill in the art at the time of the invention to have omitted any such valves in order to improve system reliability by omitting any unnecessary additional components.

In reference to claims 12

The examiner takes official notice that forming two or more valves in a common valve block is well known in the dispensing art. NANAJI does not explicitly teach the use of multi valve blocks. It would have been obvious to one having ordinary skill in the art to have incorporated the use of the well know multi valve block in to the valves (101-103 and 111-113) of the device of NANAJI and KOPL et al. in order to simplify the required control circuit logic as is well known in the fluid dispensing art.

In reference to claims 13 and 15

The valves (101-103) and (111-113) of NANAJI are disclosed as being functionally interconnected in pairs. Specifically NANAJI teaches:

"Operation of the put-down switch or lever causes the controlling device 200 to send signals to the valves 101, 102, 103, 111, 112, 113 to open and close the appropriate valves. Thus, operation of the put-down switch or lever in boot 73 sends a signal to the

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controlling device 200 that fuel from fuel source 3 is to be dispensed out nozzle 63. As a result, the controlling device 200 closes valves 101, 102, 111, 112 and opens valves 103, 113. Activation by the operator of actuating lever 83 commences fuel dispensing from nozzle 63."

In reference to claim 16

Note the quote from NANAJI with respect to claims 13 and 15. Only a single set of valves leading to a single nozzle may be actuated at one time.

In Reference to Claims 17 and 18

NANAJI explicitly teaches:

The meter can advantageously be located near the dispensing nozzles, so that the contamination caused by using a single meter is purged after a small amount of fuel is dispensed. The invention preferably uses a small-volume meter with valves located near the meter, to thereby limit the amount of octane variation caused by use of a single meter.

It therefor would have been obvious to one having ordinary skill in the art to have selected the volume of the meter device in the claimed range in order to satisfy the above explicit teaching of NANAJI. The particular volume selected being a design choice based on permissible amounts octane variation.

Response to Arguments

6. Applicant's arguments filed 17 October 2003 have been fully considered but they are not persuasive.

Applicant's reference to figure 3 and paragraph 17 as originally filed is noted with respect to the arguments concerning the rejection under 35 U.S.C. 112, second paragraph. Paragraph 17 states, "***Immediately*** downstream of the liquid measuring device no valves are provided" [emphasis added], however there is no statement supporting the specific limitation of claims 11 and 19 "wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles" and "wherein no additional valves are needed to control flow of said fuel between said liquid measuring device and said two or more nozzles". The only explicit teaching is with respect to the region "***Immediately*** downstream of the liquid measuring device". Thus for the above reasons, the limitation of claims 11 and 19 are not supported.

With respect to the rejection under 35 U.S.C. 103(a), applicant's argue that "The combination of Nanaji and Kopl fails to teach or suggest a fuel dispenser having a common liquid measuring device, wherein two or more downstream valves are located within corresponding nozzles and no additional valve are located between the liquid measuring device and the nozzles." However, the argued limitations are not found in claims 11-13 and 15-18 rejected under 35 U.S.C. 103(a) as being unpatentable over NANAJI (5,630,528) in view of KOPL et al. (5,447,062). The location of the downstream valves being within the nozzles is directed to claim 19. The arguments with respect to these claims are therefore moot.

Conclusion

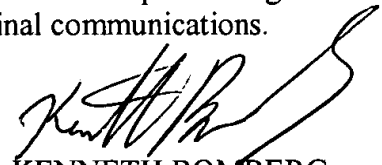
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Bomberg whose telephone number is (703) 308-2179. The examiner can normally be reached on Monday-Thursday from 9:30 AM - 7:00 PM. The examiner can also be reached on alternate Fridays.

The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.


KENNETH BOMBERG
PRIMARY EXAMINER
ART UNIT 3754

K.B.
January 3, 2004